

**PARTNER****Thomas E. Loeser**

Tom Loeser is an accomplished trial attorney who has obtained judgments in consumer fraud cases that have returned billions of dollars to millions of consumers and more than \$100 million to the government.

CONTACT

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YEARS OF EXPERIENCE

> 19

PRACTICE AREAS

- > Data Breach/Identity Theft and Privacy
- > Consumer Rights
- > False Claims Act/*Qui Tam*
- > Government Fraud
- > Corporate Fraud

EDUCATION

- > Duke University School of Law, J.D., magna cum Laude, Order of the Coif, Articles Editor Law and Contemporary Problems, 1999
- > University of Washington, M.B.A., cum laude, Beta Gamma Sigma, 1994
- > Middlebury College, B.A., Physics with Minor in Italian, 1988

COURT ADMISSIONS

- > District of Columbia
- > U.S. District Court for the District of Columbia
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the

Tom Loeser is an accomplished trial attorney who has obtained judgments in consumer fraud cases that have returned billions of dollars to millions of consumers and more than \$100 million to the government. Mr. Loeser's practice is marked by his involvement in highly complex matters involving high-technology, computing and software, and matters where both civil and criminal investigations are involved.

Mr. Loeser leads Hagens Berman's data breach response team that fully investigated Equifax for its failure to protect the most sensitive personal information of 143 million American consumers, and on September 22, 2017, filed a comprehensive 43-state complaint against Equifax. Mr. Loeser and Hagens Berman partner, Robert Lopez, investigated and prosecuted *In re: Carrier IQ, Inc., Consumer Privacy Litig.*, No. 3:12-md-02330-EMC (N.D. Cal. 2012), a highly complex privacy case involving interception of cellular messaging. Mr. Loeser and the firm were the first to file a 50-state action in response to the massive Target data breach, and while the firm was not appointed to leadership, Mr. Loeser provided extensive assistance to appointed lead counsel in researching the consolidated amended complaint and in responding to Target's motion to dismiss.

Mr. Loeser, working with Hagens Berman's managing partner, Steve Berman, helped lead the firm's work in *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation* where Mr. Berman was a member of the PSC, and the firm represented both defrauded consumers and defrauded Volkswagen-branded franchise dealers. Mr. Loeser spearheaded the filing of the first consumer class case in the country, the first multi-state case, the first 50-state case, the first California emissions lemon-law buyback case and the first nationwide buyback injunction case. Mr. Loeser was asked by lead counsel Leiff Cabraser to participate in the Allocation Working Group, the Claims Administration Working Group, the Discovery Working Group, the Notice Working Group and the Settlement Drafting Team in this record-breaking \$15 billion settlement with Volkswagen and Bosch. Mr. Loeser also spearheaded the filing of the Volkswagen-Branded Franchise Dealer Action, where Hagens Berman was lead counsel, and worked closely with Steve Berman on all aspects of that case through approval of a \$1.2 billion settlement with Volkswagen. Mr. Loeser has been involved in the drafting and prosecution of emissions fraud cases against Audi, Fiat Chrysler, Ford and General Motors.

Mr. Loeser's work at Hagens Berman has included the researching, filing, prosecution and resolution of dozens of complex consumer actions against the corporate titans of industry, including national banks, insurers, nationwide builders, title companies, carmakers, mortgage lenders, pharmaceutical giants, trucking companies and nationwide retailers. Mr. Loeser specializes in and has thrived in the prosecution of cases that are not just complex because of the legal and procedural issues involved, but also because of the technological sophistication of the products, services or bad acts underlying the legal claims.

Mr. Loeser came to Hagens Berman with a unique experience and skill set that has driven his success in complex and highly technical cases. For nearly five years, Mr. Loeser was an Assistant United States Attorney in Los Angeles, where he was a Department of Justice Computer Hacking and Intellectual Property ("CHIP") prosecutor and member of the Cyber and Intellectual Property Crimes

PARTNER**Thomas E. Loeser**

- Southern District of California
- › U.S. District Court for the Central District of California
- › U.S. District Court for the Western District of Washington
- › Ninth Circuit Court of Appeals

LANGUAGES

- › Italian
- › French

Section. In collaboration with the Los Angeles Electronic Crimes Task Force, Mr. Loeser investigated and prosecuted legion hacking, identity theft and intellectual property crimes. His work as a cyber-prosecutor included months of intensive training at federal law enforcement facilities of the FBI, Secret Service, Department of Homeland Security and at the National Advocacy Center.

Prior to his appointment as an AUSA, Mr. Loeser was an associate in the IP Litigation and IP Licensing groups at Wilson Sonsini Goodrich & Rosatti in Silicon Valley. Prior to law school, Mr. Loeser worked as a Treasury Analyst at Microsoft Corp. where he developed software to assist trading functions, and at the Hewlett-Packard Co. where he was a product line analyst in the Business Systems Group. Mr. Loeser's training in computer and technology-centered investigations is unmatched in the consumer plaintiffs' bar. His litigation experience brings knowledge in technology-related matters that is often on-par with the experts hired for the litigation.

Mr. Loeser speaks frequently at conferences and CLEs on complex civil litigation, class actions and data breach litigation. His recent speaking engagements include: HarrisMartin's National Opioid Litigation Conference ("The Opioid Crisis: How It Was Created and What To Do About It"), Law Seminars International Class Action Conference ("Trends in Automobile Defect Litigation") and HB's Data Breach & Privacy Litigation Conference ("Sleuthing: Investigation & Evidence Collecting in a Cyber World").

RECOGNITION

- › Martindale-Hubbell® AV Preeminent rating, 2015-2018
- › Washington SuperLawyer, 2016 - 2018
- › Washington Top Lawyers, 2016 - 2018

Hagens Berman is a national leader in class-action litigation driven by a team of legal powerhouses. With a tenacious spirit, we are motivated to make a positive difference in people's lives.

The Firm

We are one of the nation's leading class-action law firms and have earned an international reputation for excellence and innovation in ground-breaking litigation against large corporations.

Hagens Berman Sobol Shapiro LLP was founded in 1993 with one purpose: to help victims with claims of fraud and negligence that adversely impact a broad group. The firm initially focused on class action and other types of complex, multi-party litigation, but we have always represented plaintiffs/victims. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest. The firm represents plaintiffs including investors, consumers, inventors, workers, the environment, governments, whistleblowers and others.

OUR FOCUS. Our focus is to represent plaintiffs/victims in product liability, tort, antitrust, consumer fraud, securities and investment fraud, employment, whistleblower, intellectual property, environmental, and employee pension protection cases. Our firm is particularly skilled at managing multi-state and nationwide class actions through an organized, coordinated approach that implements an efficient and aggressive prosecutorial strategy to place maximum pressure on defendants.

WE WIN. We believe excellence stems from a commitment to try each case, vigorously represent the best interests of our clients, and obtain the maximum recovery. Our opponents know we are determined and tenacious and they respect our skills and recognize our track record of achieving top results.

WHAT MAKES US DIFFERENT. We are driven to return to the class every possible portion of its damages—our track record proves it. While many class action or individual plaintiff cases result in large legal fees and no meaningful result for the client or class, Hagens Berman finds ways to return real value to the victims of corporate fraud and/or malfeasance.

A NATIONWIDE REACH. The scope of our practice is truly nationwide. We have flourished through our network of offices in nine cities across the United States, including Seattle, Boston, Chicago, Colorado Springs, Los Angeles, New York, Phoenix, San Francisco, San Diego and Washington, D.C. Our reach is not limited to the cities where we maintain offices. We have cases pending in courts across the country, with substantial activity in California, New York, Washington, Arizona and Illinois.

Landmark Cases

State of Washington, et al. v. Philip Morris, et al. \$206 billion

Hagens Berman represented 13 states in the largest recovery in litigation history.

Visa-Mastercard Antitrust Litigation \$27 billion

The firm served as co-lead counsel in what was then the largest antitrust settlement in history.

Volkswagen Emissions Litigation \$14.7 billion

Member of the Plaintiffs' Steering Committee in the VW consumer litigation and part of the Settlement Negotiating team

Toyota Motor Corp. Unintended acceleration Litigation \$1.6 billion

On behalf of consumers for sudden unintended acceleration

Volkswagen Franchise Dealers Litigation \$1.6 billion

Lead counsel on behalf of VW franchise dealers. The settlement represents a result of nearly full damages for the class.

Meracord \$1.45 billion

Default judgment on behalf of consumers for useless debt-settlement conspiracy

E-books Antitrust \$560 million

The firm took on Apple and five of the nation's largest publishing companies in an antitrust class action regarding e-book price-fixing.

Washington Public Power Supply System Securities Litigation \$700 million

Represented bondholders and the bondholder trustee in a class-action stemming from the failure of Washington Public Power Supply System (WPPSS) nuclear projects. After years of litigation, a settlement agreement was made with 200+ defendants.

LCD Antitrust Litigation \$470 million

Represented consumers against multiple defendants in multi-district litigation.

McKesson Drug Litigation \$444 million

Hagens Berman was lead counsel in these RICO cases against McKesson for drug pricing fraud that settled on the eve of trials.

DRAM Antitrust Litigation \$345 million

The firm was co-lead counsel, and the case settled in favor of purchasers of dynamic random access memory chips (DRAM).

Average Wholesale Price Drug Litigation \$338 million

Hagens Berman was co-lead counsel in this ground-breaking drug pricing case against the world's largest pharmaceutical companies, resulting in a victory at trial.

Neurontin Pfizer Litigation \$325 million

The firm brought suit against Pfizer and its subsidiary, Parke-Davis, accusing the companies of a fraudulent scheme to market and sell the drug Neurontin for a variety of "off-label" uses for which it is not approved or medically efficacious.

Enron ERISA Litigation \$250 million

Hagens Berman was co-lead counsel in this ERISA litigation, the largest ERISA settlement in history.

Charles Schwab Securities Litigation \$235 million

The firm was lead counsel in this action alleging fraud in the management of the Schwab YieldPlus mutual fund.

“...the track record of Hagens Berman[’s] **Steve Berman is... impressive**, having racked... a \$1.6 billion settlement in the Toyota Unintended Acceleration Litigation and a substantial number of really outstanding big-ticket results.”

— Milton I. Shadur, Senior U.S. District Judge, naming Hagens Berman Interim Class Counsel in Stericycle Pricing MDL

“Class counsel has **consistently demonstrated extraordinary skill and effort.**”

— U.S. District Judge James Selna, Central District of California, *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation*

“Berman is considered **one of the nation’s top class-action lawyers.**”

— Associated Press

Elite Trial Lawyers

The National Law Journal

The Plaintiffs’ Hot List: The Year’s Hottest Firms

The National Law Journal

Most Feared Plaintiffs Firms

Law360

Class Action MVPs

The National Law Journal

“**Landmark consumer cases are business as usual** for Steve Berman.”

— *The National Law Journal*, naming Steve Berman one of the 100 most influential attorneys in the nation for the third time in a row

“[A] **clear choice** emerges. That choice is the Hagens Berman firm.”

— U.S. District Court for the Northern District of California, *In re Optical Disk Drive Products Antitrust Litigation* (appointing the firm lead counsel)

“All right, I think I can conclude on the basis with my five years with you all, watching this litigation progress and seeing it wind to a conclusion, that **the results are exceptional...** You did an exceptionally good job at organizing and managing the case...”

— U.S. District Court for the Northern District of California, *In re Dynamic Random Access Memory Antitrust Litigation* (Hagens Berman was co-lead counsel and helped achieve the \$325 million class settlement)

VISA-MASTERCARD ANTITRUST LITIGATION

The firm served as co-lead counsel in what was then the largest antitrust settlement in history – valued at **\$27 billion**.

E-BOOKS ANTITRUST LITIGATION

Hagens Berman secured a combined **\$560 million** settlement on behalf of consumers against Apple and five of the nation's largest publishing companies.

STATE OF WASHINGTON, ET AL. V. PHILIP MORRIS, ET AL.

Hagens Berman represented 13 states in the largest recovery in litigation history – **\$206B**.

TOYOTA UNINTENDED ACCELERATION LITIGATION

Hagens Berman obtained the then largest automotive settlement in history in this class action that recovered **\$1.6 billion** for vehicle owners.

DRAM ANTITRUST LITIGATION

The firm was co-lead counsel, and the case settled for **\$345 million** in favor of purchasers of dynamic random access memory chips (DRAM).

CHARLES SCHWAB SECURITIES LITIGATION

The firm was lead counsel in this action alleging fraud in the management of the Schwab YieldPlus mutual fund; a **\$235 million** class settlement was approved by the court.

MCKESSON DRUG LITIGATION

Hagens Berman was lead counsel in these racketeering cases against McKesson for drug pricing fraud that settled for more than **\$444 million** on the eve of trials.

AVERAGE WHOLESALE PRICE DRUG LITIGATION

Hagens Berman was co-lead counsel in this ground-breaking drug pricing case against the world's largest pharmaceutical companies, resulting in a victory at trial. The court approved a total of **\$338 million** in settlements.

ENRON ERISA LITIGATION

Hagens Berman was co-lead counsel in this ERISA litigation, which recovered in excess of **\$250 million**, the largest ERISA settlement in history.

Our Advantage

We achieve results, and our track record proves it. While many class-action or individual plaintiff cases result in large legal fees and no meaningful result for the client, Hagens Berman finds ways to return real value.

Since its founding in 1993, Hagens Berman and members of our legal team have continued to raise the standard of plaintiffs' litigation, as shown by our many accolades and firm-wide awards. Hagens Berman began as a small but determined group of nine attorneys, occupying a marginal space in downtown Seattle. Our firm quickly rose to prominence thanks to an all-or-nothing attitude; when faced with a sweeping case of corporate fraud or negligence, Hagens Berman's legal team has always stepped into the ring.

Hagens Berman has been named to The Plaintiffs' Hot List: The Year's Hottest Firms, as well as the National Law Journal's list of Elite Trial Lawyers, with a particular focus on our hard fought automotive litigation. And the firm's managing partner and co-founder, Steve Berman, has been named one of the most powerful attorneys and top litigators in the nation. Media outlets have entitled Steve "a heavy hitter," and Bloomberg called the firm "one of the preeminent class action firms in the U.S." Judges praise our "aggressive and independent advocacy."

Hagens Berman routinely achieves record-breaking settlements for our clients in the face of deep corporate-backed opposition. Hagens Berman represented 13 states in the largest recovery in litigation history – \$206 billion – in state tobacco litigation. Our firm served as co-lead counsel in what was then the largest antitrust settlement in history – valued at \$27 billion against Visa and MasterCard. Hagens Berman was also co-lead counsel in the high-profile Enron ERISA litigation, which recovered in excess of \$250 million, the largest ERISA settlement in history. Our firm also achieved the largest automotive settlement ever at the time for consumers against Toyota, returning \$1.6 billion. The firm also took a leading role in the now-largest automotive settlement in history against Volkswagen for its use of emissions-cheating software, and was the first firm to file suit against VW.

Hagens Berman focuses on litigation that has the biggest impact both in making plaintiffs whole and informing the future. In 2004, the firm culminated a class action filed on behalf of Hungarian holocaust survivors who had thousands of family heirlooms stolen or mishandled in the aftermath of WWII. The firm also broke ground in the fight for the rights of student-athletes. Steve is lead counsel in a class action seeking to protect NCAA student athletes in all sports against concussions and head injuries, and is also lead counsel in a case challenging the NCAA's collusion in refusing to allow student-athletes to receive scholarships amounting to the full cost of attending school. In both of these cases, the firm fought uphill battles to secure groundbreaking victories for classes of tens of thousands of individuals.

Hagens Berman takes on first-of-their-kind suits because we believe in fighting to make a difference in the lives of those who are most vulnerable. Our legal team also possesses a wide range of deep industry knowledge spanning our many practice areas, bringing expertise to our consumer work, intellectual property cases, whistleblower claims and others.

We set ourselves apart not only by getting results but by litigating every case through to finish – to trial and appeal, if necessary. This tenacious drive has led our firm to generate groundbreaking precedents in consumer law.

Hagens Berman has been a leader in some of the most high-profile class-action lawsuits in history. Our firm has pioneered innovative legal strategies in cases ranging across various practice areas, adding to our list of landmark cases. Hagens Berman has achieved record-breaking settlements and victories for clients and millions of individuals. In each case, we seek to bring the best outcome for plaintiffs and enact real change through novel and wide-ranging settlements that provide just restitution for victims of negligence, fraud and wrongdoing.